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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/747,594	12/22/2000	Anthony M. Gambaro	659/620	4494
757	7590	05/05/2006	EXAMINER	
BRINKS HOFER GILSON & LIONE P.O. BOX 10395 CHICAGO, IL 60610			FLORES SANCHEZ, OMAR	
			ART UNIT	PAPER NUMBER

3724

DATE MAILED: 05/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/747,594

Applicant(s)

GAMBARO ET AL.

Examiner

Omar Flores-Sánchez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-52 is/are pending in the application.
- 4a) Of the above claim(s) 18-30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 and 31-52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to applicant's amendment received on 02/14/06.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bush, Jr. et al (3,908,495) in view of Perini (4, 329, 895).

Bush discloses the method of cutting a plurality of substrates comprising the step of: placing a log of substrate on a conveyor, the log having a length and a width (Fig. 2); advancing the conveyor; discharging the log from the conveyor onto a transfer plate (Fig. 7); placing the log into a pocket on a cutting support (Fig. 1); rotating the pocket containing the log toward a plurality of circular cutting blades; rotating the pocket containing the log through the circular cutting blades; rotating the pocket containing the log away from the circular cutting blades; and discharging the rolls from the pocket; and the pocket supports the log along the entire length (Fig. 1). Bush does not show a pocket having channels. However, Perini teaches the use of pocket 9 having channels 9G for the purpose of allowing the guiding between pocket and blades during cutting. It would have been obvious to one having ordinary skill in the art at the time the

invention was made to have modified Bush's device by providing the pocket having channels as taught by Perini in order to obtain a device that allow the guiding between pocket and blades during cutting.

4. Claims 1-13, 40, 42 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perini (4, 329, 895) in view of Rood (3,764,717), Win et al. (5,667,635), Renard (3,213,731) and Schroeder (4,265,361).

Regarding claims 1 and 10, Perini discloses the method of cutting a plurality of moist substrates comprising the step of: placing the log from a transfer plate 1 into a pocket on a cutting support (Fig. 2); advancing the pocket containing the log toward a plurality of cutting blades (Fig. 1 and 3); advancing the pocket containing the rolls away from the cutting blades (Fig. 3); metering the rate at the log is discharged; and discharging the rolls from the pocket. Perini doesn't show the method of placing a log of moist substrate on a conveyor with moisture content of at least about 50% or 65%, advancing the conveyor, and discharging the log from the conveyor onto the transfer plate. However, Rood teaches the method of placing a log on a conveyor (Fig. 1), advancing the conveyor, and discharging the log from the conveyor onto a transfer plate 20 for the purpose of orienting the product which does not require human assistance. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Perini's device by providing the method of placing a log on a conveyor, advancing the conveyor, and discharging the log from the conveyor onto a transfer plate as taught by Rood in order to obtain a device that orient the product which does not require human assistance.

Regarding the web with moisture content of at least about 50% and 65%, Examiner takes Official Notice that such “wet wipes” are well known. An example of such is shown by Win, who teaches the use of a web with moisture content of at least about 50% and 65% (see col. 1, line 67) for the purpose of possessing adequate dispersibility in order to safely disposed of by flushing down the toilet. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have used Perini’s modified device to cut a web with moisture content of at least about 50% and 65% as is well known and taught by Win in order to cut Win’s wipes into a saleable size.

Regarding claims 2-3, 5, 11 and 12, the modified invention of Perini discloses the invention substantially as claimed except for a log of at least 2540 mm long and a diameter from 50 mm to 250mm. Renard and Schroeder teach the use of a log of 90” long or more and a diameter in a range of 4 ½ to about 4 ¾ inches for the purpose of developing 20 or more rolls and handling rolls of different diameters. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Perini’s log by changing its size as taught by Renard and Schroeder in order to obtain a device that develops 20 or more rolls and cuts rolls of different diameters. Regarding claims 4, 6 and 9, the feed rate and percentage of log cut are non inventive decisions made by artisans of average skill, and it would have been obvious to said average artisan to have processed 300 roll per minute and produce 95% usable rolls.

Regarding claims 40, 42 and 43, Perini teaches transporting the wound log of moist substrate in a direction perpendicular to the length of the log (see Fig. 1-2).

5. Claims 31-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perini (4,329,895) in view of Rood, Renard (3,213,731) and Schroeder (4,265,361).

Regarding claim 31, Perini discloses the method of cutting a plurality of moist substrates comprising the step of: placing the log from a transfer plate 1 into a pocket 9 containing channels 9G on a cutting support (Fig. 2); advancing the pocket containing the log toward a plurality of cutting blades (Fig. 1 and 3); advancing the pocket containing the rolls away from the cutting blades (Fig. 3); metering the rate at the log is discharged; discharging the rolls from the pocket; and honing the cutting blades (col. 3, line 33-36). Perini doesn't show the method of advancing the conveyor, and discharging the log from the conveyor onto the transfer plate. However, Rood teaches the method of placing a log on a conveyor (Fig. 1), advancing the conveyor and discharging the log from the conveyor onto a transfer plate 20 for the purpose of orienting the product which does not require human assistance. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Perini's device by providing the method of placing a log on a conveyor, advancing the conveyor, and discharging the log from the conveyor onto a transfer plate as taught by Rood in order to obtain a device that orient the product which does not require human assistance.

Regarding claims 32-33, the modified invention of Perini discloses the invention substantially as claimed except for a log of at least 2540 mm long and a diameter from 50 mm to 250mm. Renard and Schroeder teach the use of a log of 90" long or more and a diameter in a range of 4 ½ to about 4 ¾ inches for the purpose of developing 20 or more rolls and handling rolls of different diameters. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Perini's log by changing its size as taught by

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Renard and Schroeder in order to obtain a device that develops 20 or more rolls and cuts rolls of different diameters.

6. Claims 1-17, 31-39 and 47-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Renard (3,213,731) in view of Bush et al. (3,908,495), Win et al. (5,667,635), Schroeder (4,265,361) and Perini (4, 329, 895).

Regarding claims 1, 10, 14, 31 and 39, Renard discloses the method of cutting a plurality of moist substrates comprising the step of: moving the cutting blade to a position away from the pocket (Fig. 8); and honing the cutting blades (Fig. 8 and 10). Regarding claims 2, 5, 11, 15, 32 and 36, Renard shows a log of 90" long or more (see col. 1, lines 22-26). Renard doesn't show the method of placing a log of moist substrate on a conveyor with moisture content of at least about 50% or 65%, advancing the conveyor, discharging the log from the conveyor onto the transfer plate, metering the rate at the log is discharged; and discharging the rolls from the pocket. However, Bush teaches the method of advancing the conveyor, discharging the log from the conveyor onto the transfer plate (Fig. &), metering the rate at the log is discharged (col. 12, line 39-43); and discharging the rolls from the pocket (Fig. 1) for the purpose of automatically feeding the work past a series of operable cutting means and reducing operating cost. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Renard's device by providing the method of: advancing the conveyor, discharging the log from the conveyor onto the transfer plate, metering the rate at the log is discharged; and discharging the rolls from the pocket as taught by Bush in order to obtain a device that automatically feed the work past a series of operable cutting means and reduce operating cost.

Regarding the web with moisture content of at least about 50% and 65%, Examiner takes Official Notice that such “wet wipes” are well known. An example of such is shown by Win, who teaches the use of a web with moisture content of at least about 50% and 65% (see col. 1, line 67) for the purpose of possessing adequate dispersibility in order to safely disposed of by flushing down the toilet. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have used Renard’s modified device to cut a web with moisture content of at least about 50% and 65% as is well known and taught by Win in order to cut Win’s wipes into a saleable size.

Regarding claims 3, 5, 12, 16, 32-33, 36 and 37 the modified invention of Renard discloses the invention substantially as claimed except for a log having a diameter from 50 mm to 250mm. Schroeder teach the use of a log having a diameter in a range of 4 ½ to about 4 ¾ inches for the purpose of handling rolls of different diameters. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Perini’s log by changing its size as taught by Schroeder in order to obtain a device that cuts rolls of different diameters. Regarding claims 4, 6 and 9, the feed rate and percentage of log cut are non inventive decisions made by artisans of average skill, and it would have been obvious to said average artisan to have processed 300 roll per minute and produce 95% usable rolls.

Regarding claims 31 and 35, Renard teaches a pocket 22 having a slit 23, instead of a pocket containing channels. However, Perini teaches the use of pocket 9 having channels 9G for the purpose of allowing the guiding between pocket and blades during cutting. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have

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modified Renard's device by providing the pocket having channels as taught by Perini in order to obtain a device that allow the guiding between pocket and blades during cutting.

Regarding claims 40, 42, 43, 45, 47, 49 and 51, Perini teaches transporting the wound log of moist substrate in a direction perpendicular to the length of the log (see Fig. 1-2).

Regarding claims 41, 44, 46, 48, 50 and 52, Bush teaches rotating the cutting blades in a direction counter to advancing the pocket or support (Fig. 7).

Response to Arguments

7. Applicant's arguments have been fully considered but they are not persuasive. Applicant argues that the prior arts don't solve the problem of maintaining the integrity of the log before, during and after cutting. However, there is no unique structure in the claims that solve the problem which applicants were concerned.

Applicant argues that Bush, Rood and Perini do not show a method of cutting comprising transfer of a log *directly* from the conveyor to a holding pocket (see Fig. 7). In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., transfer of a log *directly* from the conveyor to a holding pocket) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Also, applicant's Fig. 7 shows a transfer plate above and below the roll that is entering to the pocket. MPEP 2144.04, section II (b) does not apply in this case because of the omission of

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the element (transfer plate) and its function (transfer of a log *directly* from the conveyor to a holding pocket).

Applicant argues that Bush does not show the method of metering the rate at which the log is discharged from the transfer plate to a pocket. However, Bush teaches the method of metering the rate at which the log is discharged from the transfer plate (19-22 and 35) to a pocket. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Bush provides the motivation to combine by insuring a cycle of log on time to the feeding means.

Applicant argues that Win et al. does not show a log, instead Win et al. show a rectangular wet wipes. However, Win et al. was not cited regarding the shaped form of the product, but instead win et al. discloses the moisture content cited in the claims.

Applicant argues that Renard and Bush do not show supporting a coreless wipe. However, Renard's trough is capable of supporting the coreless wipe (see Fig. 2 and 4). Also, claims do not show structural limitation that set the boundary of the words shape, integrity and position. Without the proper structure the words are considered a broad term, which can be applied to any apparatus.

Applicant argues that Renard does not honing the cutting blade without contaminating the pocket. However, Renard does honing the cutting blade without contaminating the pocket (see Fig. 8, where the blade moves far from the pocket to start honing the blades.

Also, Applicant argues that Perini does not teach a flexible log. However, Perini teaches the flexible log that is flexible in comparison with wood log. Also, claims do not show structural limitation that set the boundary of the word flexible.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Omar Flores-Sánchez whose telephone number is 571-272-4507. The examiner can normally be reached on 8:00-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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5/1/06


BOYER D. ASHLEY
SUPERVISORY PATENT EXAMINER